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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,781	07/31/2000	Gregory J. Wolff	074451.P117	4872
7590	02/09/2004		EXAMINER	
Michael J Mallie Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1026			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2174	7
DATE MAILED: 02/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/629,781	WOLFF ET AL.	
	Examiner	Art Unit	
	Mylinh T Tran	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed 11/17/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Applicant's Amendment filed 11/17/03 has been entered and carefully considered. Claims 1, 29 and 37 have been amended. However, limitations of amended claims have not been found to be patentable over the prior art of record, therefore, claims 1-43 are rejected under the same ground of rejection as set forth in the Office Action mailed (08/13/03).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 21 and 24-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dom et al. [US. 6,166,735] in view of Contois [US. 5,864,868].

As to claims 1, 28, 37 and 38, Dom et al. discloses a controller configured to select an identifier associate with a media object (column 8, lines 12-20 and lines 33-43); wherein the controller sends the request by wirelessly transmitting the identifier stored in the controller (column 9, lines 3-18); and retrieve the media object from a first server via a network connection when the media object is not stored in the appliance (column 1, lines 40-65 and

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column figure 7, lines 22-32). The difference between Dom et al. and the claim is sending a request to play the media object by the controller and an appliance configured to receive the request from the controller. Contois shows the features at column 4, lines 38-68, column 8, lines 21-44, and column 10, lines 1-20). It would have been obvious to one of ordinary skill in the art, having the teachings of Dom et al. and Contois before them at the time the invention was made to modify retrieving the media object from network connection as taught by Dom et al. to include the step of playing the media object of Contois, with the motivation being to allow multi-users to conveniently and easily access an Internet playing the media objects such as images as taught by Contois.

As to claims 2 and 30, Dom et al. also discloses the identifier being transmitted using a wireless connection (column 7, lines 3-32).

As to claims 3 and 34, Dom et al. teaches the controller and the first server being synchronized on a predetermined time period (column 4, lines 34-45 and column 5, line 65 through column 6, lines 10).

As to claim 4, Dom et al. also teaches the first server storing the media objects corresponding to the identifiers stored in the controller (column 5, lines 1-40).

As to claim 5, Dom et al. also teaches the media object being retrieved from the first server using the identifier received from the controller (column 6, lines 6-35).

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As to claim 6, Dom et al. demonstrates a second server coupled to the network, the second server storing at least the media objects stored in the first server (column 5, lines 1-40).

As to claim 7, Dom et al. also demonstrates retrieving the media object from the second server when the media object is not found in the first server (column 1, lines 40-65 and column figure 7, lines 22-32).

As to claims 8-10, 12, 33 and 40, Dom et al. shows the media object retrieved from the second server is in a decrypted and encrypted form and a decryption key for the media object is stored in the controller and the appliance receiving the decryption key from the controller to decrypt the media object (column 7, lines 32-48 and column 8, lines 1-8).

As to claim 11, Dom et al. also shows the decryption key is stored in the controller after the controllers sends a payment information to the second server (column 11, line 54 through column 12, line 20).

As to claims 13 and 14, Dom et al. discloses the identifier is selected by selecting a visual representation of the identifier and the visual representation comprises a thumbnail image representing the media object (column 5, lines 25-40).

As to claim 15, Contois teaches the controller organizing thumbnail images in groups (figure 6, composer (2); column 10, lines 1-53).

As to claim 21, Dom et al. also teaches the appliance being operable to play a media object not stored in the controller, and wherein the controller imports

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the identifier associated with the media object by sending a request to import the identifier not stored in the controller (column 7, lines 1-40 and column 8, lines 1-9 and lines 35-45).

As to claims 24 and 39, Dom et al. discloses the request to import the identifier not stored in the controller is sent with payment information (column 11, line 54 through column 12, line 20).

As to claim 25, Dom et al. also discloses the appliance stores the media object in a cache (column 2, lines 43-65).

As to claim 26, Dom et al. demonstrates the appliance being one in a group comprising a personal computer, a stereo receiver, and a television (column 7, lines 23-46).

As to claim 27, Dom et al. also demonstrates the controller operating with multiple appliances (figure 1).

As to claim 28, Dom et al. teaches the media object is one in a group comprising a document, an audio clip and a video clip (column 8, lines 30-45).

As to claim 29, Dom et al. also teaches fourth means coupled to the network, the fourth means for providing the media object when the media object is not in the third means (column 1, lines 40-65 and column figure 7, lines 22-32).

As to claim 32, Dom et al. shows means for performing access authorization when the media object is retrieved from the fourth means (column 3, lines 31-45).

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As to claim 35, Dom et al. also shows means the first means is operable with one or more second means (column 7, lines 1-50).

As to claim 36, Dom et al. discloses the first means comprising means for organizing the identifiers using thumbnail image representations of the media objects associated with the identifiers (column 1, lines 40-65).

Claims 16-20, 22-23 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dom et al. [US. 6,166,735], in view of Contois and further in view of Morris et al. [US. 6,097,389].

As to claim 16, the difference between Dom, Contois and the claim is the first and second group of thumbnail images. Morris et al. shows the feature at figure 12F (first group (1265), second group (1261)). It would have been obvious to one of ordinary skill in the art, having the teachings of Dom, Contois and Morris et al. before them at the time the invention was made to modify the step of retrieving images as taught by Dom and Contois to include a plural group of thumbnails of Morris et al., with the motivation being to allow a user to conveniently view only a desired portion of a larger video object, rather than requiring that the user watch the video object from the beginning up to the desired segment as taught by Morris et al.

As to claims 17 and 41-43, while Contois teaches playlists, Morris et al. also discloses a first subgroup including one or more playlists, each of the playlists comprising one or more thumbnail images; and a second subgroup

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including one or more thumbnail images (figure 12F, column 13, line 62 through column 14, line 13).

As to claim 18, Contois teaches the controller sending one play list to the appliance to request the one play list be played by the appliance (column 11, lines 6-17 and lines 40-55).

As to claim 19, Morris also teaches the controller comprising a display screen to display thumbnail images in the first group and in the second group (figure 12F, column 13, line 62 through column 14, line 13).

As to claim 20, Morris shows the controller further comprising a microphone to record an audio annotation associated with one of the thumbnail images, and a text input area to generate text to associate with the one thumbnail image (column 8, lines 18-29).

As to claim 22, while Morris shows a reduced visual representation of the corresponding media object (figure 12C), Dom et al. teaches in response to the request to import the identifier not stored in the controller, the appliance sends the identifier (column 13, line 62 through column 14, line 13).

As to claim 23, Morris demonstrates the reduced visual representation being a thumbnail image of the corresponding media object (column 6, lines 10-50).

Response to Arguments

Applicant argues the Dom's system does not disclose using a network appliance and a controller remote to the appliance to cause the appliance to

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obtain an object over the network and play the object. However, the Examiner respectfully disagrees with the Applicant. The abstract of Dom cites "A system and method are provided for supporting video browsing over a communication network such as the Internet/Word Wide Web. A graphical user interface is provided through a client software tool such as a Web browser. A client/user selects a video data object stored at a remote server...Responsive to this selection, that portion of the video object is downloaded and displayed". It is clear that the Dom's system says the media objects being stored over the network and a client user selects a media object stored at the remote site. That means "appliance configured to receive the request from the controller, to retrieve the media object from a from a server via a network connection" is taught here.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306, may be used for all kinds of fax

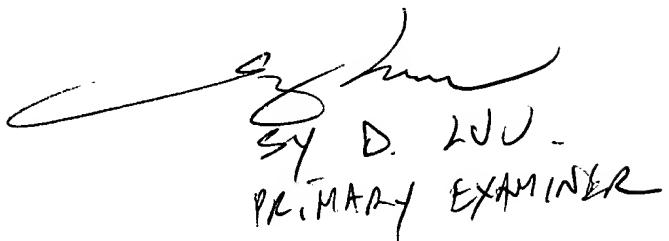
Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 4.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640, Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran



Mylinh Tran
SY D. LUU
PRIMARY EXAMINER